



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Jerry's Marina - Tawas Point Harbor

In Reply Refer To: Corps File No. LRE-1988-160746-S11

Date: 09-November-2011

Expires: 29-November-2011

Proposed Marina Reconfiguration and Dredging in Lake Huron (Tawas Bay) at East Tawas, Michigan

Applicant: Jerry's Marina - Tawas Point Harbor, c/o Jim Hill, 16291 West 14 Mile Road, Beverly Hills, Michigan 48025

Project Location: The site is located in Lake Huron (Tawas Bay) at Jerry's Marina - Tawas Point Harbor, 542 Tawas Beach Road, East Tawas, Iosco County, Michigan.

Federal Authority: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Natural Resources and Environment (MDNRE), Land and Water Management Division and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans As shown on the attached plans, the applicants propose to perform maintenance dredging for a five year period, by hydraulic means, up to 5,850 cubic yards of accumulated material from the two marina basins and two entrance channels:

Basin A1: hydraulically dredge an estimated 3461 cubic yards of material from an area 175 feet by 267 feet to a depth of -7.0 feet Low Water Datum (577.5 feet International Great Lakes Datum, 1985).

Basin A2: hydraulically dredge an estimated 903 cubic yards of material from an area 325 feet by 75 feet to a depth of -9.0 feet Low Water Datum (577.5 feet International Great Lakes Datum, 1985).

Basin B: hydraulically dredge an estimated 1066 cubic yards of material from an area 120 feet by 240 feet to a depth of -5.0 feet Low Water Datum (577.5 feet International Great Lakes Datum, 1985).

Entrance channel 1 hydraulically dredge an estimated 250 cubic yards of material from an area 150 feet by 45 feet to a depth of -9.0 feet Low Water Datum (577.5 feet International Great Lakes Datum, 1985).

Entrance channel 2: hydraulically dredge an estimated 166 cubic yards of material from an area 300 feet by 30 feet to a depth of -5.0 feet Low Water Datum (577.5 feet International Great Lakes Datum, 1985).

They propose to pump the dredge slurry into a temporary containment basin 100 x 60 feet built on site having a sump consisting of a 50 gallon drum fitted with a 12-inch drain line to discharge decanted carriage water.

They propose to enlarge basin A2 to accommodate additional dockage space by removing 200 linear feet of wooded bulkhead. Mechanically dredge an estimated 4000 cubic yards of material from an area 200 feet by 35 feet by 12 feet. Install 200 linear feet of new wooden bulkhead. Install six permanent open pile piers to create 10 additional boat slips. The piers will be 2 feet wide by 40 feet long.

Dredge spoils are proposed to be disposed of onsite as beach nourishment in two areas landward of the Ordinary High Water Mark (581.5 feet IGLD, 1985). Area 1 is approximately 100 feet by 220 feet. Area 2 is approximately 150 feet by 150 feet. Additional spoils will be disposed of off-site at Warner Trucking, located at 16291 West M-55, Tawas City. The purpose of the project is to perform maintenance dredging and add additional dockage within an existing marina operation.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: “the dredging process with on site containment are the least invasive way of creating and maintaining recreation boating opportunities while having little effect on the environment.” The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States:

Mitigation is not necessary or appropriate for the proposed work because: “the impacts will be minimal.”

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations:

A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. The State file number is 11-35-0003.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-1988-160746-S11. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Wally Gauthier, Chief, Permit Evaluation Eastern Branch, Regulatory Office, Detroit District, Corps of Engineers, 477 Michigan Avenue, Detroit, Michigan 48226-2550. Comments may be e-mailed to: Mark.T.Lesinski@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended.

We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite

. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Mark Lesinski at the Corps of Engineers address listed above, or telephone number 989-684-5969.

FOR THE DISTRICT ENGINEER:

Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.